

Application No.: 10/598,604

Docket No.: JCLA16171

REMARKS**Present Status of the Application**

Claims 1-3 were rejected under 35 U.S.C. 112 for the indefinite term "*minerals*" and also under 35 U.S.C. 102(b) as being anticipated by Saito (EP 1 364 585 A1).

In response thereto, Applicants have limited "*minerals*" as "*one or more minerals*" as Examiner interpreted to overcome the rejections under 35 USC 112, added a new limitation supported by paragraph [0022] to independent claim 1 to overcome the rejections under 35 USC 102(b), added new claims 4-6 and submitted the following remarks. Reconsideration of claims 1-3 and consideration of new claims 4-6 are respectfully requested.

Discussion of the claim rejection under 35 U.S.C. 102(b)

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Saito.

Amended claim 1 features that the one or more minerals are selected from the group consisting of salts, hydroxides and oxides of alkaline-earth metals and salts, hydroxides and oxides of transition metals.

Saito fails to disclose the above feature. The mineral added in Saito's invention is sodium citrate, wherein sodium is an alkali metal rather than an alkaline-earth metal like calcium or a transition metal.

For at least the above reasons, Applicants submit that amended claim 1 and claims 2-6 dependent therefrom all patently define over the prior art under 35 U.S.C. 102(b).

Further, the above feature of amended claim 1 is also non-obvious, at least because Saito does not teach to add an alkaline-earth or transition metal compound as mineral in foods.

In addition, the feature of claim 5 that the one or more minerals are selected from

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the group consisting of salts, hydroxide and oxide of calcium is also non-obvious. As described in paragraph [0003] of the specification, since protein aggregation easily occurs as the pH value passes the isoelectric point and more easily occurs if minerals are added, the materials usable in the acidic zone in the prior art are limited to *insoluble* minerals to avoid aggregation. Hence, one of ordinary skills in the art is difficult to think of adding a *soluble mineral* like a salt, hydroxide or oxide of calcium in the acidic zone.

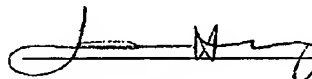
For at least the above reasons, Applicants submit that amended claim 1 and claims 2-6 dependent therefrom also patentably define over the prior art under 35 U.S.C. 103(a).

CONCLUSION

For at least the foregoing reasons, it is believed that claims 1-6 of this application patentably define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Jiawei Huang
Registration No.: 43,330

J. C. Patents
4, Venture Suite 250
Irvine, CA. 92618
Tel: (949) 660-0761
Fax: (949) 660-0809